

June 30, 2017

Via U.S. Mail

Regional Freedom of Information Officer
U.S. EPA, Region 5
77 West Jackson Boulevard (MI-9J)
Chicago, IL 60604-3590

Re: Freedom of Information Act Request

To Whom It May Concern:

I am affiliated with Robins Kaplan LLP and am seeking information for use in the law firm's business.


Pursuant to the Freedom of Information Act and all other applicable laws and regulations authorizing disclosure of documents, I request the following documents or communications related to the former Elk River Reactor (ERR), located near 17845 US-10, Elk River, Minnesota, from the Environmental Protection Agency (EPA). The ERR was licensed to operate from November 6, 1962 to February 1, 1968. Please provide all of the following documents related to the plant, from 1964 to present.

- (1) All documents regarding the testing for radionuclides related to the ERR, including drinking water, soil, vegetation, and air quality reports. Please include results from the cities of Otsego and Elk River, the Elk River, and surrounding areas and aquifers including the Mt. Simon Aquifer. Attached is a sample of an Otsego drinking water report from 2015.
- (2) All documents related to the dismantling of the ERR and cleanup reports.
- (3) All surveys of the site on detectable reactor-originated radioactivity that has been removed or remediated, including on-site and off-site sampling.

My firm is willing to pay fees, but please contact me in advance if the amount will exceed \$200 so that we might be able to further tailor our request.

Thank you for considering this request. Please contact me at 1-612-349-8294 or by email (ttatting@robinskaplan.com) if you have any questions or concerns.

Sincerely,



Troy F. Tatting

Enclosure

cc: Kathleen Flynn Peterson
Andrea Mallarino



Water Conservation tips are available on the City's website at www.ci.otsego.mn.us
Call 763-441-4414 if you have any questions

Annual Drinking Water Quality Report for the City of Otsego

The City of Otsego is pleased to share results of monitoring done on its drinking water for the period from January 1 to December 31, 2014. The purpose of this report is to advance consumers' understanding of drinking water and heighten awareness of the need to protect precious water resources.

Source of Water

The City of Otsego provides drinking water to its residents from a groundwater source: 5 wells ranging from 370 to 494 feet deep draw water from the Tunnel City-Wonewoc, Mt. Simon, and Mt. Simon-Hinckley aquifers. The Minnesota Department of Health has determined that the sources used to supply your drinking water are not particularly susceptible to contamination. If you wish to obtain the entire source water assessment regarding your drinking water, please call 651-201-4700 or 1-800-818-9318 (and press 5) during normal business hours. Also, you can view it on line at www.health.state.mn.us/divs/eh/water/swa.htm. Call Kurt Neidermeier at 763-441-4414 if you have questions about the City of Otsego drinking water or would like information about opportunities for public participation in decisions that may affect the quality of the water.

Results of Monitoring

The results contained in the following table indicate an exceedance of a federal standard. Some other contaminants were detected in trace amounts that were below legal limits. The table that follows shows the contaminants that were detected in trace amounts last year. (Some contaminants are sampled less frequently than once a year; as a result, not all contaminants were sampled for in 2014. If any of these contaminants were detected the last time they were sampled for, they are included in the table along with the date that the detection occurred.)

Key to abbreviations:

MCLG – Maximum Contaminant Level Goal:

The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.

MCL – Maximum Contaminant Level: The highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.

MRDL – Maximum Residual Disinfectant Level.

MRDLG – Maximum Residual Disinfectant Level Goal.

AL – Action Level: The concentration of a contaminant which, if exceeded, triggers treatment or other requirement which a water system must follow.

90th Percentile Level – This is the value obtained after disregarding 10 percent of the samples taken that had the highest levels. (For example, in a situation in which 10 samples were taken, the 90th percentile level is determined by disregarding the highest result, which represents 10 percent of the samples.) Note: In situations in which only 5 samples are taken, the average of the two with the highest levels is taken to determine the 90th percentile level.

pCi/l – PicoCuries per liter (a measure of radioactivity).

Ppm – Parts per million, which can also be expressed as milligrams per liter (mg/l).

Ppb – Parts per billion, which can also be expressed as micrograms per liter (µg/l).

nd – No Detection

N/A – Not Applicable (does not apply).

Contaminant (units)	MCLG	MCL	Level Found		Typical Source of Contaminant
			Range (2014)	Average /Result*	
Alpha Emitters (pCi/l)	0	15.4	9.5-25	21 ✓	Erosion of natural deposits.
Barium (ppm)	2	2	N/A	0.03	Discharge of drilling wastes; Discharge from metal refineries; Erosion of natural deposits.
Combined Radium (pCi/l)	0	5.4	3.2-9.5	9.5 ✓	Erosion of natural deposits.
Fluoride (ppm)	4	4	0.87-1.3	1.09	State of Minnesota requires all municipal water systems to add fluoride to the drinking water to promote strong teeth; Erosion of natural deposits; Discharge from fertilizer and aluminum factories.
Haloacetic Acids (HAA5) (ppb)	0	60	N/A	2.4	By-product of drinking water disinfection.
TTHM (Total trihalomethanes) (ppb)	0	80	N/A	2.5	By-product of drinking water disinfection.

This drinking report is also available online at www.ci.otsego.mn.us. The City does request recipients share this information with non-billed customers such as renters and townhome owners.

✓ During the year, we had exceedances for levels of Combined Radium and Alpha Emitters. Some people who drink water containing radium 226 and/or 228 alpha emitters in excess of the MCL/s. Over many years may have an increased risk of getting cancer. Our system has taken the initiative to limit the amount of water being pumped from the source(s) with higher levels of Combined Radium and Alpha Emitters. We have a compliance agreement with the MDH to ensure drinking water consumed by residents contain levels less than the MCL on an annual basis.

*This is the value used to determine compliance with federal standards. It sometimes is the highest value detected and sometimes is an average of all the detected values. If it is an average, it may contain sampling results from the previous year.



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Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. EPA/CDC guidelines on appropriate means to lessen the risk of infection by Cryptosporidium and other microbial contaminants are available from the Safe Drinking Water Hotline at 1-800-426-4791.